

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-3 are presently pending in this case. Claim 1 is amended by the present amendment. As amended Claim 1 is supported by the original claims, no new matter is added.

In the outstanding Official Action, Claims 1-3 were rejected under 35 U.S.C. §102(b) as anticipated by Wittkopp (U.S. Patent No. 5,182,976).

The outstanding rejection is respectfully traversed.

Claim 1 recites in part:

a plurality of virtual regions so formed as to be surrounded by two radius lines extending from a rotation center of a disc-shaped base metal and two concentric circles on the base metal disposed around the rotation center is disposed continuously in a circumferential direction on the disk-shaped base metal while a single slit is provided in each one of virtual regions so as to make contact with all of the two radius lines and two concentric circles,

wherein a central angle formed by the two radius lines is equal to or less than 90° ;

the virtual regions are 4 to 24 in number;

the concentric circle located in a center of an interval of the two concentric circles forming the virtual region is in a range of $0.6 r$ to $0.8 r$ with respect to the rotation center of the base metal when a maximum gullet bottom radius of the base metal is r ;

an overlapping of the virtual regions continuously adjoining each other is in a range of 0° to 12° in terms of the central angle around the rotation center;

a minimum neighborhood distance between the adjoining slits is equal to or more than $0.05 r$; and

a ratio of a length of an arc of the central concentric circle in the virtual region with respect to the interval of the two concentric circles in the virtual region is 3 to 6.

Wittkopp describes a circular saw blade including a series of essentially radial beam segments.¹ The outstanding Office Action simply asserted that “Wittkopp discloses a tool with every structural limitation of the claimed invention including single slits shown in the disclosed embodiments”² However, no explanation whatsoever was provided with regard to any of the structural limitations of the claimed invention with respect to the cited reference. As Wittkopp does not describe that a ratio of a length of an arc of the central concentric circle in the virtual region with respect to the interval of the two concentric circles in the virtual region is 3 to 6, the outstanding Office Action must be asserting that the relationships in the figures in Wittkopp describe this relationship. However, as discussed in MPEP §2125, proportions of features in a drawing are not evidence of actual proportions when the drawings are not to scale. When a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000).

Even assuming *arguendo* that the figures of Wittkopp are to scale, the figures appear to show that a ratio of a length of an arc of the central concentric circle in the virtual region with respect to the interval of the two concentric circles in the virtual region is much greater than 3 to 6. In fact, as noted above, column 2, lines 31-33 of Wittkopp states that the disclosed saw blade includes a series of *essentially radial* beam segments.

The claimed invention, due to the above quoted feature, provides specific advantages in that the disk shaped tool has rigidity and a critical number of revolutions equal to or higher than those of a product without any slits, exhibits improved durability, and produces reduced levels of noise and vibration. It is respectfully submitted that the device disclosed by Wittkopp does not provide such advantages.

¹See Wittkopp, column 2, lines 31-33.

²See the outstanding Office Action at page 2, lines 17-18.

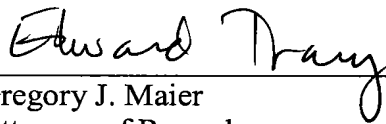
Thus, it is respectfully submitted that Wittkopp does not teach “a plurality of virtual regions” as defined in Claim 1. Consequently, Claim 1 (and Claims 2 and 3 dependent therefrom) is not anticipated by Wittkopp and is patentable thereover.

Since Applicant has not substantively amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited art in the next communication **cannot properly be considered a Final Office Action**.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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